KLAMATH IRRIGATION DISTRICT
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September 6, 2007

Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

RE: Docket ID # EPA-HQ-OPP-2007-0588

Invasive aquatic weeds are a serious noxious pest in the Klamath Irrigation District's irrigation system, as they are in nearly all irrigation systems across the country. Our District manages water deliveries through approximately 400 miles of open canals and drains, which provide irrigation and drainage to approximately 75,000 acres of agricultural land under production.

Control of aquatic weeds in our system is essential to ensure adequate irrigation deliveries to our farmers and ranchers. Without proper control of aquatic weeds, most of the agricultural land would not receive reliable or timely irrigation. Valuable water resource would be lost to evaporation and seepage and our canals and drain dikes would be vulnerable to breeches and overflow events, resulting in serious economic damages to property.

The Klamath Irrigation District has used Magnacide H (Acrolein) for the control of aquatic weeds for over 35 years. The District has investigated and used other herbicides and mechanical control, but has found that Magnacide H provides the safest, most efficient and cost effective means for control. Other herbicides have not provided effective control or require prohibitive crop use time restrictions which make their use impossible. Mechanical control, such as dragging an anchor chain, to rip out aquatic weeds, has its own set of problems. It kills aquatic organisms, damages canals, is more costly and propagates aquatic weed infestations in canals, drains, and receiving waters through fragmentation. We have too many miles of canals and drains and not enough resources to use mechanical control as a primary means to control aquatic weeds. We would not be able to keep up to ensure adequate irrigation deliveries. Draining canals for a period of time kills aquatic organisms, wastes water, disrupts irrigation deliveries, and is not always effective. We do use both methods when possible or necessary as part of our Integrated Pest Management Plan.

In the 23 years I have managed Magnacide H applications to our irrigation system, neither I nor any of our employees, District members, or the general public have been aware of, or reported any verified damage to crops, birds or animals. It does however kill aquatic organisms which have invaded our irrigation system. These aquatic organisms are undesirable in our system and will not survive when our canals are dewatered for 5.5 months of the year.

The Klamath Irrigation District uses Magnacide H only when necessary. Our District follows the label, regulations, and all laws which pertain to the application of Magnacide H. All applications are made by licensed and trained applicators. We make applications at areas where turbulent waters exist to minimize volatilization and create our own mixing with a water pump if necessary. We strive for maximum use of applied herbicide. In addition we have an NPDES permit which requires us to manage our applications according to conditions of the permit as established by the Oregon Department of Environmental Quality. Complying with our NPDES permit over the last six years has provided us with considerable knowledge about how Magnacide H behaves in our systems. At label recommended treatment applications we achieve aquatic weed control for approximately 2-7 miles depending on existing conditions. Our permit requires us to close all discharge points which have the potential to get to natural waters during treatment. We monitor concentrations and allow fresh water turnover in our system before opening discharges. We sample discharges which are then tested by a DEQ approved lab for concentrations. In six years and 211 applications of Magnacide H, all required lab samples have resulted in non-detectable levels of acrolein except two, which were well below the allowable risk based discharge level allowed in our permit. Most all of our discharge points must travel through an extensive system of District drains before reaching natural waters.

Since water quality, quantity, velocity, temperature, quantity and species of aquatic weeds and irrigation practices, along with other variables influence how far and fast a treatment will move through a canal system, each of our treatments behaves differently and no generalizations can be made about how far a treatment concentration will move and how long it is active in our district. All but two of our sampled treatment periods ended with a non-detect lab results within 15 miles and 72 hours. The two exceptions had concentrations well below the requirements in our permit within the same parameters.

Our irrigation system was specifically developed to provide irrigation and drainage for agriculture. The canals and drains purpose does not include providing recreational activities or habitat for fisheries, wildlife, and endangered species. In addition, our District does not provide drinking water.

Application of a FIFRA approved herbicide into a canal for the purpose of treating aquatic weeds is not a discharge of a pollutant and should not require an NPDES permit whether by rule of law or by threat of litigation. Moving irrigation water from one canal to another is not a discharge.

Sincerely,

Mark Stuntebeck
Asst. Manager